

105TH CONGRESS
1ST SESSION

S. 738

AMENDMENT

In the House of Representatives, U. S.,

November 13, 1997.

Resolved, That the bill from the Senate (S. 738) entitled “An Act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE***
2 ***OF SECTIONS.***

3 *(a) SHORT TITLE.—This Act may be cited as the “Am-*
4 *trak Reform and Accountability Act of 1997”.*

5 *(b) AMENDMENT OF TITLE 49, UNITED STATES*
6 *CODE.—Except as otherwise expressly provided, whenever*
7 *in this Act an amendment or repeal is expressed in terms*
8 *of an amendment to, or a repeal of, a section or other provi-*
9 *sion, the reference shall be considered to be made to a section*
10 *or other provision of title 49, United States Code.*

11 *(c) TABLE OF SECTIONS.—The table of sections for this*
12 *Act is as follows:*

Sec. 1. Short title; amendment of title 49; table of sections.
Sec. 2. Findings.

TITLE I—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

- Sec. 101. Basic system.*
- Sec. 102. Mail, express, and auto-ferry transportation.*
- Sec. 103. Route and service criteria.*
- Sec. 104. Additional qualifying routes.*
- Sec. 105. Transportation requested by States, authorities, and other persons.*
- Sec. 106. Amtrak commuter.*
- Sec. 107. Through service in conjunction with intercity bus operations.*
- Sec. 108. Rail and motor carrier passenger service.*
- Sec. 109. Passenger choice.*
- Sec. 110. Application of certain laws.*

SUBTITLE B—PROCUREMENT

- Sec. 121. Contracting out.*

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

- Sec. 141. Railway Labor Act Procedures.*
- Sec. 142. Service discontinuance.*

SUBTITLE D—USE OF RAILROAD FACILITIES

- Sec. 161. Liability limitation.*
- Sec. 162. Retention of facilities.*

TITLE II—FISCAL ACCOUNTABILITY

- Sec. 201. Amtrak financial goals.*
- Sec. 202. Independent assessment.*
- Sec. 203. Amtrak Reform Council.*
- Sec. 204. Sunset trigger.*
- Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.*
- Sec. 206. Access to records and accounts.*
- Sec. 207. Officers' pay.*
- Sec. 208. Exemption from taxes.*
- Sec. 209. Limitation on use of tax refund.*

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.*

TITLE IV—MISCELLANEOUS

- Sec. 401. Status and applicable laws.*
- Sec. 402. Waste disposal.*
- Sec. 403. Assistance for upgrading facilities.*
- Sec. 404. Demonstration of new technology.*
- Sec. 405. Program master plan for Boston-New York main line.*
- Sec. 406. Americans with Disabilities Act of 1990.*
- Sec. 407. Definitions.*
- Sec. 408. Northeast Corridor cost dispute.*
- Sec. 409. Inspector General Act of 1978 amendment.*
- Sec. 410. Interstate rail compacts.*

Sec. 411. Board of Directors.

Sec. 412. Educational participation.

Sec. 413. Report to Congress on Amtrak bankruptcy.

Sec. 414. Amtrak to notify Congress of lobbying relationships.

Sec. 415. Financial powers.

1 **SEC. 2. FINDINGS.**

2 *The Congress finds that—*

3 *(1) intercity rail passenger service is an essential*
 4 *component of a national intermodal passenger trans-*
 5 *portation system;*

6 *(2) Amtrak is facing a financial crisis, with*
 7 *growing and substantial debt obligations severely lim-*
 8 *iting its ability to cover operating costs and jeopard-*
 9 *izing its long-term viability;*

10 *(3) immediate action is required to improve Am-*
 11 *trak's financial condition if Amtrak is to survive;*

12 *(4) all of Amtrak's stakeholders, including labor,*
 13 *management, and the Federal government, must par-*
 14 *ticipate in efforts to reduce Amtrak's costs and in-*
 15 *crease its revenues;*

16 *(5) additional flexibility is needed to allow Am-*
 17 *trak to operate in a businesslike manner in order to*
 18 *manage costs and maximize revenues;*

19 *(6) Amtrak should ensure that new management*
 20 *flexibility produces cost savings without compromis-*
 21 *ing safety;*

22 *(7) Amtrak's management should be held ac-*
 23 *countable to ensure that all investment by the Federal*

1 *Government and State governments is used effectively*
2 *to improve the quality of service and the long-term fi-*
3 *nancial health of Amtrak;*

4 (8) *Amtrak and its employees should proceed*
5 *quickly with proposals to modify collective bargaining*
6 *agreements to make more efficient use of manpower*
7 *and to realize cost savings which are necessary to re-*
8 *duce Federal financial assistance;*

9 (9) *Amtrak and intercity bus service providers*
10 *should work cooperatively and develop coordinated*
11 *intermodal relationships promoting seamless trans-*
12 *portation services which enhance travel options and*
13 *increase operating efficiencies;*

14 (10) *Amtrak's Strategic Business Plan calls for*
15 *the establishment of a dedicated source of capital*
16 *funding for Amtrak in order to ensure that Amtrak*
17 *will be able to fulfill the goals of maintaining—*

18 (A) *a national passenger rail system; and*

19 (B) *that system without Federal operating*
20 *assistance; and*

21 (11) *Federal financial assistance to cover operat-*
22 *ing losses incurred by Amtrak should be eliminated*
23 *by the year 2002.*

1 **TITLE I—REFORMS**
 2 **Subtitle A—Operational Reforms**

3 **SEC. 101. BASIC SYSTEM.**

4 (a) *OPERATION OF BASIC SYSTEM.*—(1) *Section 24701*
 5 *is amended to read as follows:*

6 **“§24701. National rail passenger transportation sys-**
 7 **tem**

8 *“Amtrak shall operate a national rail passenger trans-*
 9 *portation system which ties together existing and emergent*
 10 *regional rail passenger service and other intermodal pas-*
 11 *senger service.”.*

12 (2) *The item relating to section 24701 in the table of*
 13 *sections of chapter 247 is amended to read as follows:*

“24701. National rail passenger transportation system.”.

14 (b) *IMPROVING RAIL PASSENGER TRANSPORTATION.*—
 15 *Section 24702 and the item relating thereto in the table*
 16 *of sections for chapter 247 are repealed.*

17 (c) *DISCONTINUANCE.*—*Section 24706 is amended—*

18 (1) *by striking “90 days” and inserting “180*
 19 *days” in subsection (a)(1);*

20 (2) *by striking “24707(a) or (b) of this title,” in*
 21 *subsection (a)(1) and inserting “or discontinuing*
 22 *service over a route,”;*

23 (3) *by inserting “or assume” after “agree to*
 24 *share” in subsection (a)(1);*

1 (4) *by striking “section 24707(a) or (b) of this*
 2 *title” in subsection (a)(2) and inserting “paragraph*
 3 *(1)”*; *and*

4 (5) *by striking “section 24707(a) or (b) of this*
 5 *title” in subsection (b)(1) and inserting “subsection*
 6 *(a)(1)”*.

7 (d) *COST AND PERFORMANCE REVIEW.—Section*
 8 *24707 and the item relating thereto in the table of sections*
 9 *for chapter 247 are repealed.*

10 (e) *SPECIAL COMMUTER TRANSPORTATION.—Section*
 11 *24708 and the item relating thereto in the table of sections*
 12 *for chapter 247 are repealed.*

13 (f) *CONFORMING AMENDMENT.—Section 24312(a)(1)*
 14 *is amended by striking “, 24701(a),”*.

15 **SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**
 16 **TATION.**

17 (a) *REPEAL.—Section 24306 is amended—*

18 (1) *by striking the last sentence of subsection (a);*

19 *and*

20 (2) *by striking subsection (b) and inserting the*
 21 *following:*

22 “(b) *AUTHORITY OF OTHERS TO PROVIDE AUTO-*
 23 *FERRY TRANSPORTATION.—State and local laws and regu-*
 24 *lations that impair the provision of auto-ferry transpor-*
 25 *tation do not apply to Amtrak or a rail carrier providing*

1 *auto-ferry transportation. A rail carrier may not refuse to*
 2 *participate with Amtrak in providing auto-ferry transpor-*
 3 *tation because a State or local law or regulation makes the*
 4 *transportation unlawful.”.*

5 **SEC. 103. ROUTE AND SERVICE CRITERIA.**

6 *Section 24703 and the item relating thereto in the*
 7 *table of sections for chapter 247 are repealed.*

8 **SEC. 104. ADDITIONAL QUALIFYING ROUTES.**

9 *Section 24705 and the item relating thereto in the*
 10 *table of sections for chapter 247 are repealed.*

11 **SEC. 105. TRANSPORTATION REQUESTED BY STATES, AU-**
 12 **THORITIES, AND OTHER PERSONS.**

13 (a) *REPEAL.*—*Section 24704 and the item relating*
 14 *thereto in the table of sections of chapter 247 are repealed.*

15 (b) *STATE, REGIONAL, AND LOCAL COOPERATION.*—
 16 *Section 24101(c)(2) is amended by inserting “, separately*
 17 *or in combination,” after “and the private sector”.*

18 (c) *CONFORMING AMENDMENT.*—*Section 24312(a)(1)*
 19 *is amended by striking “or 24704(b)(2)”.*

20 **SEC. 106. AMTRAK COMMUTER.**

21 (a) *REPEAL OF CHAPTER 245.*—*Chapter 245 and the*
 22 *item relating thereto in the table of chapters for subtitle V*
 23 *of such title, are repealed.*

24 (b) *CONFORMING AMENDMENT.*—*Section 24301(f) is*
 25 *amended to read as follows:*

1 “(f) *TAX EXEMPTION FOR CERTAIN COMMUTER AU-*
 2 *THORITIES.—A commuter authority that was eligible to*
 3 *make a contract with Amtrak Commuter to provide com-*
 4 *muter rail passenger transportation but which decided to*
 5 *provide its own rail passenger transportation beginning*
 6 *January 1, 1983, is exempt, effective October 1, 1981, from*
 7 *paying a tax or fee to the same extent Amtrak is exempt.”.*

8 (c) *TRACKAGE RIGHTS NOT AFFECTED.—The repeal*
 9 *of chapter 245 of title 49, United States Code, by subsection*
 10 *(a) of this section is without prejudice to the retention of*
 11 *trackage rights over property owned or leased by commuter*
 12 *authorities.*

13 **SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH**
 14 **INTERCITY BUS OPERATIONS.**

15 (a) *IN GENERAL.—Section 24305(a) is amended by*
 16 *adding at the end the following new paragraph:*

17 “(3)(A) *Except as provided in subsection (d)(2), Am-*
 18 *trak may enter into a contract with a motor carrier of pas-*
 19 *sengers for the intercity transportation of passengers by*
 20 *motor carrier over regular routes only—*

21 “(i) *if the motor carrier is not a public recipient*
 22 *of governmental assistance, as such term is defined in*
 23 *section 13902(b)(8)(A) of this title, other than a re-*
 24 *cipient of funds under section 5311 of this title;*

1 “(ii) for passengers who have had prior move-
 2 ment by rail or will have subsequent movement by
 3 rail; and

4 “(iii) if the buses, when used in the provision of
 5 such transportation, are used exclusively for the
 6 transportation of passengers described in clause (ii).

7 “(B) Subparagraph (A) shall not apply to transpor-
 8 tation funded predominantly by a State or local govern-
 9 ment, or to ticket selling agreements.”.

10 (b) *POLICY STATEMENT.*—Section 24305(d) is amend-
 11 ed by adding at the end the following new paragraph:

12 “(3) Congress encourages Amtrak and motor common
 13 carriers of passengers to use the authority conferred in sec-
 14 tions 11322 and 14302 of this title for the purpose of pro-
 15 viding improved service to the public and economy of oper-
 16 ation.”.

17 **SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.**

18 (a) *IN GENERAL.*—Notwithstanding any other provi-
 19 sion of law (other than section 24305(a)(3) of title 49, Unit-
 20 ed States Code), Amtrak and motor carriers of passengers
 21 are authorized—

22 (1) to combine or package their respective serv-
 23 ices and facilities to the public as a means of increas-
 24 ing revenues; and

1 (2) *to coordinate schedules, routes, rates, reserva-*
 2 *tions, and ticketing to provide for enhanced inter-*
 3 *modal surface transportation.*

4 (b) *REVIEW.—The authority granted by subsection (a)*
 5 *is subject to review by the Surface Transportation Board*
 6 *and may be modified or revoked by the Board if modifica-*
 7 *tion or revocation is in the public interest.*

8 **SEC. 109. PASSENGER CHOICE.**

9 *Federal employees are authorized to travel on Amtrak*
 10 *for official business where total travel cost from office to*
 11 *office is competitive on a total trip or time basis.*

12 **SEC. 110. APPLICATION OF CERTAIN LAWS.**

13 (a) *APPLICATION OF FOIA.—Section 24301(e) is*
 14 *amended by adding at the end thereof the following: “Sec-*
 15 *tion 552 of title 5, United States Code, applies to Amtrak*
 16 *for any fiscal year in which Amtrak receives a Federal sub-*
 17 *sidy.”.*

18 (b) *APPLICATION OF FEDERAL PROPERTY AND ADMIN-*
 19 *ISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal*
 20 *Property and Administrative Services Act of 1949 (41*
 21 *U.S.C. 253b(m)) applies to a proposal in the possession or*
 22 *control of Amtrak.*

1 ***Subtitle B—Procurement***

2 ***SEC. 121. CONTRACTING OUT.***

3 (a) *REPEAL OF BAN ON CONTRACTING OUT.*—Section
4 24312 is amended—

5 (1) *by striking subsection (b);*

6 (2) *by striking “(1)” in subsection (a); and*

7 (3) *by striking “(2) Wage” in subsection (a) and*
8 *inserting “(b) WAGE RATES.—Wage”.*

9 (b) *AMENDMENT OF EXISTING COLLECTIVE BARGAIN-*
10 *ING AGREEMENT.*—

11 (1) *CONTRACTING OUT.*—Any collective bargain-
12 *ing agreement entered into between Amtrak and an*
13 *organization representing Amtrak employees before*
14 *the date of enactment of this Act is deemed amended*
15 *to include the language of section 24312(b) of title 49,*
16 *United States Code, as that section existed on the day*
17 *before the effective date of the amendments made by*
18 *subsection (a).*

19 (2) *ENFORCEABILITY OF AMENDMENT.*—The
20 *amendment to any such collective bargaining agree-*
21 *ment deemed to be made by paragraph (1) of this sub-*
22 *section is binding on all parties to the agreement and*
23 *has the same effect as if arrived at by agreement of*
24 *the parties under the Railway Labor Act.*

1 (c) *CONTRACTING-OUT ISSUES TO BE INCLUDED IN*
 2 *NEGOTIATIONS.—Proposals on the subject matter of con-*
 3 *tracting out work, other than work related to food and bev-*
 4 *erage service, which results in the layoff of an Amtrak em-*
 5 *ployee—*

6 (1) *shall be included in negotiations under sec-*
 7 *tion 6 of the Railway Labor Act (45 U.S.C. 156) be-*
 8 *tween Amtrak and an organization representing Am-*
 9 *trak employees, which shall be commenced by—*

10 (A) *the date on which labor agreements*
 11 *under negotiation on the date of enactment of*
 12 *this Act may be re-opened; or*

13 (B) *November 1, 1999,*
 14 *whichever is earlier;*

15 (2) *may, at the mutual election of Amtrak and*
 16 *an organization representing Amtrak employees, be*
 17 *included in any negotiation in progress under section*
 18 *6 of the Railway Labor Act (45 U.S.C. 156) on the*
 19 *date of enactment of this Act; and*

20 (3) *may not be included in any negotiation in*
 21 *progress under section 6 of the Railway Labor Act*
 22 *(45 U.S.C. 156) on the date of enactment of this Act,*
 23 *unless both Amtrak and the organization representing*
 24 *Amtrak employees agree to include it in the negotia-*
 25 *tion.*

1 *No contract between Amtrak and an organization represent-*
 2 *ing Amtrak employees, that is under negotiation on the date*
 3 *of enactment of this Act, may contain a moratorium that*
 4 *extends more than 5 years from the date of expiration of*
 5 *the last moratorium.*

6 (d) *NO INFERENCE.*—*The amendment made by sub-*
 7 *section (a)(1) is without prejudice to the power of Amtrak*
 8 *to contract out the provision of food and beverage services*
 9 *on board Amtrak trains or to contract out work not result-*
 10 *ing in the layoff of Amtrak employees.*

11 ***Subtitle C—Employee Protection*** 12 ***Reforms***

13 ***SEC. 141. RAILWAY LABOR ACT PROCEDURES.***

14 (a) *NOTICES.*—*Notwithstanding any arrangement in*
 15 *effect before the date of the enactment of this Act, notices*
 16 *under section 6 of the Railway Labor Act (45 U.S.C. 156)*
 17 *with respect to all issues relating to employee protective ar-*
 18 *rangements and severance benefits which are applicable to*
 19 *employees of Amtrak, including all provisions of Appendix*
 20 *C-2 to the National Railroad Passenger Corporation Agree-*
 21 *ment, signed July 5, 1973, shall be deemed served and effec-*
 22 *tive on the date which is 45 days after the date of the enact-*
 23 *ment of this Act. Amtrak, and each affected labor organiza-*
 24 *tion representing Amtrak employees, shall promptly supply*

1 *specific information and proposals with respect to each such*
 2 *notice.*

3 (b) *NATIONAL MEDIATION BOARD EFFORTS.*—*Except*
 4 *as provided in subsection (c), the National Mediation Board*
 5 *shall complete all efforts, with respect to the dispute de-*
 6 *scribed in subsection (a), under section 5 of the Railway*
 7 *Labor Act (45 U.S.C. 155) not later than 120 days after*
 8 *the date of the enactment of this Act.*

9 (c) *RAILWAY LABOR ACT ARBITRATION.*—*The parties*
 10 *to the dispute described in subsection (a) may agree to sub-*
 11 *mit the dispute to arbitration under section 7 of the Rail-*
 12 *way Labor Act (45 U.S.C. 157), and any award resulting*
 13 *therefrom shall be retroactive to the date which is 120 days*
 14 *after the date of the enactment of this Act.*

15 (d) *DISPUTE RESOLUTION.*—(1) *With respect to the*
 16 *dispute described in subsection (a) which—*

17 (A) *is unresolved as of the date which is 120*
 18 *days after the date of the enactment of this Act; and*

19 (B) *is not submitted to arbitration as described*
 20 *in subsection (c),*

21 *Amtrak shall, and the labor organization parties to such*
 22 *dispute shall, within 127 days after the date of the enact-*
 23 *ment of this Act, each select an individual from the entire*
 24 *roster of arbitrators maintained by the National Mediation*
 25 *Board. Within 134 days after the date of the enactment of*

1 *this Act, the individuals selected under the preceding sen-*
 2 *tence shall jointly select an individual from such roster to*
 3 *make recommendations with respect to such dispute under*
 4 *this subsection. If the National Mediation Board is not in-*
 5 *formed of the selection under the preceding sentence 134*
 6 *days after the date of enactment of this Act, the Board shall*
 7 *immediately select such individual.*

8 (2) *No individual shall be selected under paragraph*
 9 *(1) who is pecuniarily or otherwise interested in any orga-*
 10 *nization of employees or any railroad.*

11 (3) *The compensation of individuals selected under*
 12 *paragraph (1) shall be fixed by the National Mediation*
 13 *Board. The second paragraph of section 10 of the Railway*
 14 *Labor Act shall apply to the expenses of such individuals*
 15 *as if such individuals were members of a board created*
 16 *under such section 10.*

17 (4) *If the parties to a dispute described in subsection*
 18 *(a) fail to reach agreement within 150 days after the date*
 19 *of the enactment of this Act, the individual selected under*
 20 *paragraph (1) with respect to such dispute shall make rec-*
 21 *ommendations to the parties proposing contract terms to*
 22 *resolve the dispute.*

23 (5) *If the parties to a dispute described in subsection*
 24 *(a) fail to reach agreement, no change shall be made by*
 25 *either of the parties in the conditions out of which the dis-*

1 *pute arose for 30 days after recommendations are made*
 2 *under paragraph (4).*

3 (6) *Section 10 of the Railway Labor Act (45 U.S.C.*
 4 *160) shall not apply to a dispute described in subsection*
 5 *(a).*

6 (e) *NO PRECEDENT FOR FREIGHT.*—*Nothing in this*
 7 *Act, or in any amendment made by this Act, shall affect*
 8 *the level of protection provided to freight railroad employees*
 9 *and mass transportation employees as it existed on the day*
 10 *before the date of enactment of this Act.*

11 **SEC. 142. SERVICE DISCONTINUANCE.**

12 (a) *REPEAL.*—*Section 24706(c) is repealed.*

13 (b) *EXISTING CONTRACTS.*—*Any provision of a con-*
 14 *tract entered into before the date of the enactment of this*
 15 *Act between Amtrak and a labor organization representing*
 16 *Amtrak employees relating to employee protective arrange-*
 17 *ments and severance benefits applicable to employees of Am-*
 18 *trak is extinguished, including all provisions of Appendix*
 19 *C-2 to the National Railroad Passenger Corporation Agree-*
 20 *ment, signed July 5, 1973.*

21 (c) *SPECIAL EFFECTIVE DATE.*—*Subsections (a) and*
 22 *(b) of this section shall take effect 180 days after the date*
 23 *of the enactment of this Act.*

1 (d) *NONAPPLICATION OF BANKRUPTCY LAW PROVI-*
 2 *SION.—Section 1172(c) of title 11, United States Code, shall*
 3 *not apply to Amtrak and its employees.*

4 ***Subtitle D—Use of Railroad***
 5 ***Facilities***

6 ***SEC. 161. LIABILITY LIMITATION.***

7 (a) *IN GENERAL.—Chapter 281 is amended by adding*
 8 *at the end the following new section:*

9 ***“§28103. Limitations on rail passenger transpor-***
 10 ***tation liability***

11 *“(a) LIMITATIONS.—(1) Notwithstanding any other*
 12 *statutory or common law or public policy, or the nature*
 13 *of the conduct giving rise to damages or liability, in a claim*
 14 *for personal injury to a passenger, death of a passenger,*
 15 *or damage to property of a passenger arising from or in*
 16 *connection with the provision of rail passenger transpor-*
 17 *tation, or from or in connection with any rail passenger*
 18 *transportation operations over or rail passenger transpor-*
 19 *tation use of right-of-way or facilities owned, leased, or*
 20 *maintained by any high-speed railroad authority or opera-*
 21 *tor, any commuter authority or operator, any rail carrier,*
 22 *or any State, punitive damages, to the extent permitted by*
 23 *applicable State law, may be awarded in connection with*
 24 *any such claim only if the plaintiff establishes by clear and*
 25 *convincing evidence that the harm that is the subject of the*

1 *action was the result of conduct carried out by the defend-*
 2 *ant with a conscious, flagrant indifference to the rights or*
 3 *safety of others. If, in any case wherein death was caused,*
 4 *the law of the place where the act or omission complained*
 5 *of occurred provides, or has been construed to provide, for*
 6 *damages only punitive in nature, this paragraph shall not*
 7 *apply.*

8 “(2) *The aggregate allowable awards to all rail pas-*
 9 *sengers, against all defendants, for all claims, including*
 10 *claims for punitive damages, arising from a single accident*
 11 *or incident, shall not exceed \$200,000,000.*

12 “(b) *CONTRACTUAL OBLIGATIONS.—A provider of rail*
 13 *passenger transportation may enter into contracts that allo-*
 14 *cate financial responsibility for claims.*

15 “(c) *MANDATORY COVERAGE.—Amtrak shall maintain*
 16 *a total minimum liability coverage for claims through in-*
 17 *surance and self-insurance of at least \$200,000,000 per ac-*
 18 *cident or incident.*

19 “(d) *EFFECT ON OTHER LAWS.—This section shall not*
 20 *affect the damages that may be recovered under the Act of*
 21 *April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as*
 22 *the ‘Federal Employers’ Liability Act’)* or under any work-
 23 *ers compensation Act.*

24 “(e) *DEFINITION.—For purposes of this section—*

25 “(1) *the term ‘claim’ means a claim made—*

1 “(A) against Amtrak, any high-speed rail-
 2 road authority or operator, any commuter au-
 3 thority or operator, any rail carrier, or any
 4 State; or

5 “(B) against an officer, employee, affiliate
 6 engaged in railroad operations, or agent, of Am-
 7 trak, any high-speed railroad authority or opera-
 8 tor, any commuter authority or operator, any
 9 rail carrier, or any State;

10 “(2) the term ‘punitive damages’ means damages
 11 awarded against any person or entity to punish or
 12 deter such person or entity, or others, from engaging
 13 in similar behavior in the future; and

14 “(3) the term ‘rail carrier’ includes a person
 15 providing excursion, scenic, or museum train service,
 16 and an owner or operator of a privately owned rail
 17 passenger car.”.

18 (b) *CONFORMING AMENDMENT.*—The table of sections
 19 for chapter 281 is amended by adding at the end the follow-
 20 ing new item:

 “28103. *Limitations on rail passenger transportation liability.*”.

21 **SEC. 162. RETENTION OF FACILITIES.**

22 Section 24309(b) is amended by inserting “or on Jan-
 23 uary 1, 1997,” after “1979,”.

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: “Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.”.

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity’s statement of

1 *work and the award and shall oversee the contract. In car-*
 2 *rying out its responsibilities under the preceding sentence,*
 3 *the Inspector General's Office shall perform such overview*
 4 *and validation or verification of data as may be necessary*
 5 *to assure that the assessment conducted under this sub-*
 6 *section meets the requirements of this section.*

7 **(b) ASSESSMENT CRITERIA.**—*The Secretary and Am-*
 8 *trak shall provide to the independent entity estimates of the*
 9 *financial requirements of Amtrak for the period described*
 10 *in subsection (a), using as a base the fiscal year 1997 ap-*
 11 *propriation levels established by the Congress. The inde-*
 12 *pendent assessment shall be based on an objective analysis*
 13 *of Amtrak's funding needs.*

14 **(c) CERTAIN FACTORS TO BE TAKEN INTO AC-**
 15 **COUNT.**—*The independent assessment shall take into ac-*
 16 *count all relevant factors, including Amtrak's—*

17 (1) *cost allocation process and procedures;*

18 (2) *expenses related to intercity rail passenger*
 19 *service, commuter service, and any other service Am-*
 20 *trak provides;*

21 (3) *Strategic Business Plan, including Amtrak's*
 22 *projected expenses, capital needs, ridership, and reve-*
 23 *nue forecasts; and*

24 (4) *assets and liabilities.*

1 *For purposes of paragraph (3), in the capital needs part*
 2 *of its Strategic Business Plan Amtrak shall distinguish be-*
 3 *tween that portion of the capital required for the Northeast*
 4 *Corridor and that required outside the Northeast Corridor,*
 5 *and shall include rolling stock requirements, including cap-*
 6 *ital leases, “state of good repair” requirements, and infra-*
 7 *structure improvements.*

8 *(d) BIDDING PRACTICES.—*

9 *(1) STUDY.—The independent assessment also*
 10 *shall determine whether, and to what extent, Amtrak*
 11 *has performed each year during the period from 1992*
 12 *through 1996 services under contract at amounts less*
 13 *than the cost to Amtrak of performing such services*
 14 *with respect to any activity other than the provision*
 15 *of intercity rail passenger transportation, or mail or*
 16 *express transportation. For purposes of this clause,*
 17 *the cost to Amtrak of performing services shall be de-*
 18 *termined using generally accepted accounting prin-*
 19 *ciples for contracting. If identified, such contracts*
 20 *shall be detailed in the report of the independent as-*
 21 *essment, as well as the methodology for preparation*
 22 *of bids to reflect Amtrak’s actual cost of performance.*

23 *(2) REFORM.—If the independent assessment*
 24 *performed under this subparagraph reveals that Am-*
 25 *trak has performed services under contract for an*

1 *amount less than the cost to Amtrak of performing*
 2 *such services, with respect to any activity other than*
 3 *the provision of intercity rail passenger transpor-*
 4 *tation, or mail or express transportation, then Am-*
 5 *trak shall revise its methodology for preparation of*
 6 *bids to reflect its cost of performance.*

7 *(e) DEADLINE.—The independent assessment shall be*
 8 *completed not later than 180 days after the contract is*
 9 *awarded, and shall be submitted to the Council established*
 10 *under section 203, the Secretary of Transportation, the*
 11 *Committee on Commerce, Science, and Transportation of*
 12 *the United States Senate, and the Committee on Transpor-*
 13 *tation and Infrastructure of the United States House of*
 14 *Representatives.*

15 **SEC. 203. AMTRAK REFORM COUNCIL.**

16 *(a) ESTABLISHMENT.—There is established an inde-*
 17 *pendent commission to be known as the Amtrak Reform*
 18 *Council.*

19 *(b) MEMBERSHIP.—*

20 *(1) IN GENERAL.—The Council shall consist of*
 21 *11 members, as follows:*

22 *(A) The Secretary of Transportation.*

23 *(B) Two individuals appointed by the*
 24 *President, of which—*

1 (i) one shall be a representative of a
2 rail labor organization; and

3 (ii) one shall be a representative of rail
4 management.

5 (C) Three individuals appointed by the Ma-
6 jority Leader of the United States Senate.

7 (D) One individual appointed by the Mi-
8 nority Leader of the United States Senate.

9 (E) Three individuals appointed by the
10 Speaker of the United States House of Represent-
11 atives.

12 (F) One individual appointed by the Mi-
13 nority Leader of the United States House of
14 Representatives.

15 (2) APPOINTMENT CRITERIA.—

16 (A) TIME FOR INITIAL APPOINTMENTS.—
17 Appointments under paragraph (1) shall be
18 made within 30 days after the date of enactment
19 of this Act.

20 (B) EXPERTISE.—Individuals appointed
21 under subparagraphs (C) through (F) of para-
22 graph (1)—

23 (i) may not be employees of the United
24 States;

1 (ii) may not be board members or em-
2 ployees of Amtrak;

3 (iii) may not be representatives of rail
4 labor organizations or rail management;
5 and

6 (iv) shall have technical qualifications,
7 professional standing, and demonstrated ex-
8 pertise in the field of corporate manage-
9 ment, finance, rail or other transportation
10 operations, labor, economics, or the law, or
11 other areas of expertise relevant to the
12 Council.

13 (3) *TERM.*—Members shall serve for terms of 5
14 years. If a vacancy occurs other than by the expira-
15 tion of a term, the individual appointed to fill the va-
16 cancy shall be appointed in the same manner as, and
17 shall serve only for the unexpired portion of the term
18 for which, that individual's predecessor was ap-
19 pointed.

20 (4) *CHAIRMAN.*—The Council shall elect a chair-
21 man from among its membership within 15 days
22 after the earlier of—

23 (A) the date on which all members of the
24 Council have been appointed under paragraph
25 (2)(A); or

1 (B) 45 days after the date of enactment of
2 this Act.

3 (5) MAJORITY REQUIRED FOR ACTION.—A ma-
4 jority of the members of the Council present and vot-
5 ing is required for the Council to take action. No per-
6 son shall be elected chairman of the Council who re-
7 ceives fewer than 5 votes.

8 (c) ADMINISTRATIVE SUPPORT.—The Secretary of
9 Transportation shall provide such administrative support
10 to the Council as it needs in order to carry out its duties
11 under this section.

12 (d) TRAVEL EXPENSES.—Each member of the Council
13 shall serve without pay, but shall receive travel expenses,
14 including per diem in lieu of subsistence, in accordance
15 with section 5702 and 5703 of title 5, United States Code.

16 (e) MEETINGS.—Each meeting of the Council, other
17 than a meeting at which proprietary information is to be
18 discussed, shall be open to the public.

19 (f) ACCESS TO INFORMATION.—Amtrak shall make
20 available to the Council all information the Council re-
21 quires to carry out its duties under this section. The Council
22 shall establish appropriate procedures to ensure against the
23 public disclosure of any information obtained under this
24 subsection that is a trade secret or commercial or financial
25 information that is privileged or confidential.

1 (g) *DUTIES.*—

2 (1) *EVALUATION AND RECOMMENDATION.*—*The*
3 *Council shall—*

4 (A) *evaluate Amtrak's performance; and*

5 (B) *make recommendations to Amtrak for*
6 *achieving further cost containment and produc-*
7 *tivity improvements, and financial reforms.*

8 (2) *SPECIFIC CONSIDERATIONS.*—*In making its*
9 *evaluation and recommendations under paragraph*
10 *(1), the Council shall consider all relevant perform-*
11 *ance factors, including—*

12 (A) *Amtrak's operation as a national pas-*
13 *senger rail system which provides access to all*
14 *regions of the country and ties together existing*
15 *and emerging rail passenger corridors;*

16 (B) *appropriate methods for adoption of*
17 *uniform cost and accounting procedures through-*
18 *out the Amtrak system, based on generally ac-*
19 *cepted accounting principles; and*

20 (C) *management efficiencies and revenue*
21 *enhancements, including savings achieved*
22 *through labor and contracting negotiations.*

23 (3) *MONITOR WORK-RULE SAVINGS.*—*If, after*
24 *January 1, 1997, Amtrak enters into an agreement*
25 *involving work-rules intended to achieve savings with*

1 *an organization representing Amtrak employees, then*
 2 *Amtrak shall report quarterly to the Council—*

3 *(A) the savings realized as a result of the*
 4 *agreement; and*

5 *(B) how the savings are allocated.*

6 *(h) ANNUAL REPORT.—Each year before the fifth an-*
 7 *niversary of the date of enactment of this Act, the Council*
 8 *shall submit to the Congress a report that includes an as-*
 9 *essment of—*

10 *(1) Amtrak’s progress on the resolution of pro-*
 11 *ductivity issues; or*

12 *(2) the status of those productivity issues,*
 13 *and makes recommendations for improvements and for any*
 14 *changes in law it believes to be necessary or appropriate.*

15 *(i) AUTHORIZATION OF APPROPRIATIONS.—There are*
 16 *authorized to be appropriated to the Council such sums as*
 17 *may be necessary to enable the Council to carry out its du-*
 18 *ties.*

19 **SEC. 204. SUNSET TRIGGER.**

20 *(a) IN GENERAL.—If at any time more than 2 years*
 21 *after the date of enactment of this Act and implementation*
 22 *of the financial plan referred to in section 24104(d) of title*
 23 *49, United States Code, as amended by section 201 of this*
 24 *Act, the Amtrak Reform Council finds that—*

1 (1) *Amtrak's business performance will prevent*
 2 *it from meeting the financial goals set forth in section*
 3 *24104(d) of title 49, United States Code, as amended*
 4 *by section 201 of this Act; or*

5 (2) *Amtrak will require operating grant funds*
 6 *after the fifth anniversary of the date of enactment of*
 7 *this Act,*

8 *then the Council shall immediately notify the President, the*
 9 *Committee on Commerce, Science, and Transportation of*
 10 *the United States Senate, and the Committee on Transpor-*
 11 *tation and Infrastructure of the United States House of*
 12 *Representatives.*

13 (b) *FACTORS CONSIDERED.—In making a finding*
 14 *under subsection (a), the Council shall take into account—*

15 (1) *Amtrak's performance;*

16 (2) *the findings of the independent assessment*
 17 *conducted under section 202;*

18 (3) *the level of Federal funds made available for*
 19 *carrying out the financial plan referred to in section*
 20 *24104(d) of title 49, United States Code, as amended*
 21 *by section 201 of this Act; and*

22 (4) *Acts of God, national emergencies, and other*
 23 *events beyond the reasonable control of Amtrak.*

24 (c) *ACTION PLAN.—Within 90 days after the Council*
 25 *makes a finding under subsection (a)—*

1 (1) *it shall develop and submit to the Congress*
 2 *an action plan for a restructured and rationalized*
 3 *national intercity rail passenger system; and*

4 (2) *Amtrak shall develop and submit to the Con-*
 5 *gress an action plan for the complete liquidation of*
 6 *Amtrak, after having the plan reviewed by the Inspec-*
 7 *tor General of the Department of Transportation and*
 8 *the General Accounting Office for accuracy and rea-*
 9 *sonableness.*

10 **SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF**
 11 **RESTRUCTURING AND LIQUIDATION PLANS.**

12 (a) *IN GENERAL.—If, within 90 days (not counting*
 13 *any day on which either House is not in session) after a*
 14 *restructuring plan is submitted to the House of Representa-*
 15 *tives and the Senate by the Amtrak Reform Council under*
 16 *section 204 of this Act, an implementing Act with respect*
 17 *to a restructuring plan (without regard to whether it is the*
 18 *plan submitted) has not been passed by the Congress, then*
 19 *a liquidation disapproval resolution shall be introduced in*
 20 *the Senate by the Majority Leader of the Senate, for himself*
 21 *and the Minority Leader of the Senate, or by Members of*
 22 *the Senate designated by the Majority Leader and Minority*
 23 *Leader of the Senate. The liquidation disapproval resolu-*
 24 *tion shall be held at the desk at the request of the Presiding*
 25 *Officer.*

1 (b) *CONSIDERATION IN THE SENATE.*—

2 (1) *REFERRAL AND REPORTING.*—*A liquidation*
 3 *disapproval resolution introduced in the Senate shall*
 4 *be placed directly and immediately on the Calendar.*

5 (2) *IMPLEMENTING RESOLUTION FROM HOUSE.*—
 6 *When the Senate receives from the House of Rep-*
 7 *resentatives a liquidation disapproval resolution, the*
 8 *resolution shall not be referred to committee and shall*
 9 *be placed on the Calendar.*

10 (3) *CONSIDERATION OF SINGLE LIQUIDATION*
 11 *DISAPPROVAL RESOLUTION.*—*After the Senate has*
 12 *proceeded to the consideration of a liquidation dis-*
 13 *approval resolution under this subsection, then no*
 14 *other liquidation disapproval resolution originating*
 15 *in that same House shall be subject to the procedures*
 16 *set forth in this section.*

17 (4) *AMENDMENTS.*—*No amendment to the resolu-*
 18 *tion is in order except an amendment that is relevant*
 19 *to liquidation of Amtrak. Consideration of the resolu-*
 20 *tion for amendment shall not exceed one hour exclud-*
 21 *ing time for recorded votes and quorum calls. No*
 22 *amendment shall be subject to further amendment, ex-*
 23 *cept for perfecting amendments.*

24 (5) *MOTION NONDEBATABLE.*—*A motion to pro-*
 25 *ceed to consideration of a liquidation disapproval res-*

1 *olution under this subsection shall not be debatable. It*
 2 *shall not be in order to move to reconsider the vote*
 3 *by which the motion to proceed was adopted or re-*
 4 *jected, although subsequent motions to proceed may be*
 5 *made under this paragraph.*

6 (6) *LIMIT ON CONSIDERATION.—*

7 (A) *After no more than 20 hours of consid-*
 8 *eration of a liquidation disapproval resolution,*
 9 *the Senate shall proceed, without intervening ac-*
 10 *tion or debate (except as permitted under para-*
 11 *graph (9)), to vote on the final disposition there-*
 12 *of to the exclusion of all amendments not then*
 13 *pending and to the exclusion of all motions, ex-*
 14 *cept a motion to reconsider or table.*

15 (B) *The time for debate on the liquidation*
 16 *disapproval resolution shall be equally divided*
 17 *between the Majority Leader and the Minority*
 18 *Leader or their designees.*

19 (7) *DEBATE OF AMENDMENTS.—Debate on any*
 20 *amendment to a liquidation disapproval resolution*
 21 *shall be limited to one hour, equally divided and con-*
 22 *trolled by the Senator proposing the amendment and*
 23 *the majority manager, unless the majority manager is*
 24 *in favor of the amendment, in which case the minor-*

1 *ity manager shall be in control of the time in opposi-*
 2 *tion.*

3 (8) *NO MOTION TO RECOMMIT.*—*A motion to re-*
 4 *commit a liquidation disapproval resolution shall not*
 5 *be in order.*

6 (9) *DISPOSITION OF SENATE RESOLUTION.*—*If*
 7 *the Senate has read for the third time a liquidation*
 8 *disapproval resolution that originated in the Senate,*
 9 *then it shall be in order at any time thereafter to*
 10 *move to proceed to the consideration of a liquidation*
 11 *disapproval resolution for the same special message*
 12 *received from the House of Representatives and placed*
 13 *on the Calendar pursuant to paragraph (2), strike all*
 14 *after the enacting clause, substitute the text of the*
 15 *Senate liquidation disapproval resolution, agree to*
 16 *the Senate amendment, and vote on final disposition*
 17 *of the House liquidation disapproval resolution, all*
 18 *without any intervening action or debate.*

19 (10) *CONSIDERATION OF HOUSE MESSAGE.*—
 20 *Consideration in the Senate of all motions, amend-*
 21 *ments, or appeals necessary to dispose of a message*
 22 *from the House of Representatives on a liquidation*
 23 *disapproval resolution shall be limited to not more*
 24 *than 4 hours. Debate on each motion or amendment*
 25 *shall be limited to 30 minutes. Debate on any appeal*

1 *or point of order that is submitted in connection with*
 2 *the disposition of the House message shall be limited*
 3 *to 20 minutes. Any time for debate shall be equally*
 4 *divided and controlled by the proponent and the ma-*
 5 *jority manager, unless the majority manager is a pro-*
 6 *ponent of the motion, amendment, appeal, or point of*
 7 *order, in which case the minority manager shall be in*
 8 *control of the time in opposition.*

9 *(c) CONSIDERATION IN CONFERENCE.—*

10 *(1) CONVENING OF CONFERENCE.—In the case of*
 11 *disagreement between the two Houses of Congress with*
 12 *respect to a liquidation disapproval resolution passed*
 13 *by both Houses, conferees should be promptly ap-*
 14 *pointed and a conference promptly convened, if nec-*
 15 *essary.*

16 *(2) SENATE CONSIDERATION.—Consideration in*
 17 *the Senate of the conference report and any amend-*
 18 *ments in disagreement on a liquidation disapproval*
 19 *resolution shall be limited to not more than 4 hours*
 20 *equally divided and controlled by the Majority Leader*
 21 *and the Minority Leader or their designees. A motion*
 22 *to recommit the conference report is not in order.*

23 *(d) DEFINITIONS.—For purposes of this section—*

24 *(1) LIQUIDATION DISAPPROVAL RESOLUTION.—*
 25 *The term “liquidation disapproval resolution” means*

1 *only a resolution of either House of Congress which*
 2 *is introduced as provided in subsection (a) with re-*
 3 *spect to the liquidation of Amtrak.*

4 (2) *RESTRUCTURING PLAN.*—*The term “restruc-*
 5 *turing plan” means a plan to provide for a restruc-*
 6 *tured and rationalized national intercity rail pas-*
 7 *senger transportation system.*

8 (e) *RULES OF SENATE.*—*This section is enacted by the*
 9 *Congress—*

10 (1) *as an exercise of the rulemaking power of the*
 11 *Senate, and as such they are deemed a part of the*
 12 *rules of the Senate, but applicable only with respect*
 13 *to the procedure to be followed in the Senate in the*
 14 *case of a liquidation disapproval resolution; and they*
 15 *supersede other rules only to the extent that they are*
 16 *inconsistent therewith; and*

17 (2) *with full recognition of the constitutional*
 18 *right of the Senate to change the rules (so far as relat-*
 19 *ing to the procedure of the Senate) at any time, in*
 20 *the same manner and to the same extent as in the*
 21 *case of any other rule of the Senate.*

22 **SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.**

23 *Section 24315 is amended by adding at the end the*
 24 *following new subsection:*

1 “(h) *ACCESS TO RECORDS AND ACCOUNTS.*—A State
 2 shall have access to Amtrak’s records, accounts, and other
 3 necessary documents used to determine the amount of any
 4 payment to Amtrak required of the State.”.

5 **SEC. 207. OFFICERS’ PAY.**

6 Section 24303(b) is amended by adding at the end the
 7 following: “The preceding sentence shall not apply for any
 8 fiscal year for which no Federal assistance is provided to
 9 Amtrak.”.

10 **SEC. 208. EXEMPTION FROM TAXES.**

11 Section 24301(l)(1) is amended—

12 (1) by striking so much as precedes “exempt
 13 from a tax” and inserting the following:

14 “(1) *IN GENERAL.*—Amtrak, a rail carrier sub-
 15 sidiary of Amtrak, and any passenger or other cus-
 16 tomer of Amtrak or such subsidiary, are”;

17 (2) by striking “tax or fee imposed” and all that
 18 follows through “levied on it” and inserting “tax, fee,
 19 head charge, or other charge, imposed or levied by a
 20 State, political subdivision, or local taxing authority
 21 on Amtrak, a rail carrier subsidiary of Amtrak, or on
 22 persons traveling in intercity rail passenger transpor-
 23 tation or on mail or express transportation provided
 24 by Amtrak or such a subsidiary, or on the carriage
 25 of such persons, mail, or express, or on the sale of any

1 *such transportation, or on the gross receipts derived*
 2 *therefrom”; and*

3 *(3) by amending the last sentence thereof to read*
 4 *as follows: “In the case of a tax or fee that Amtrak*
 5 *was required to pay as of September 10, 1982, Am-*
 6 *trak is not exempt from such tax or fee if it was as-*
 7 *sessed before April 1, 1997.”.*

8 **SEC. 209. LIMITATION ON USE OF TAX REFUND.**

9 *(a) IN GENERAL.—Amtrak may not use any amount*
 10 *received under section 977 of the Taxpayer Relief Act of*
 11 *1997—*

12 *(1) for any purpose other than making payments*
 13 *to non-Amtrak States (pursuant to section 977(c) of*
 14 *that Act), or the financing of qualified expenses (as*
 15 *that term is defined in section 977(e)(1) of that Act);*
 16 *or*

17 *(2) to offset other amounts used for any purpose*
 18 *other than the financing of such expenses.*

19 *(b) REPORT BY ARC.—The Amtrak Reform Council*
 20 *shall report quarterly to the Congress on the use of amounts*
 21 *received by Amtrak under section 977 of the Taxpayer Re-*
 22 *lief Act of 1997.*

1 **TITLE III—AUTHORIZATION OF**
 2 **APPROPRIATIONS**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *AMENDMENT.*—Section 24104(a) is amended to
 5 read as follows:

6 “(a) *IN GENERAL.*—There are authorized to be appro-
 7 priated to the Secretary of Transportation—

8 “(1) \$1,138,000,000 for fiscal year 1998;

9 “(2) \$1,058,000,000 for fiscal year 1999;

10 “(3) \$1,023,000,000 for fiscal year 2000;

11 “(4) \$989,000,000 for fiscal year 2001; and

12 “(5) \$955,000,000 for fiscal year 2002,

13 for the benefit of Amtrak for capital expenditures under

14 chapters 243, 247, and 249 of this title, operating expenses,

15 and payments described in subsection (c)(1)(A) through (C).

16 In fiscal years following the fifth anniversary of the enact-

17 ment of the Amtrak Reform and Accountability Act of 1997

18 no funds authorized for Amtrak shall be used for operating

19 expenses other than those prescribed for tax liabilities under

20 section 3221 of the Internal Revenue Code of 1986 that are

21 more than the amount needed for benefits of individuals

22 who retire from Amtrak and for their beneficiaries.”.

23 (b) *AMTRAK REFORM LEGISLATION.*—This Act con-

24 stitutes Amtrak reform legislation within the meaning of

25 section 977(f)(1) of the Taxpayer Relief Act of 1997.

1 ***TITLE IV—MISCELLANEOUS***

2 ***SEC. 401. STATUS AND APPLICABLE LAWS.***

3 *Section 24301 is amended—*

4 *(1) by striking “rail carrier under section*
 5 *10102” in subsection (a)(1) and inserting “railroad*
 6 *carrier under section 20102(2) and chapters 261 and*
 7 *281”; and*

8 *(2) by amending subsection (c) to read as fol-*
 9 *lows:*

10 *“(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of*
 11 *this title shall not apply to Amtrak, except for sections*
 12 *11301, 11322(a), 11502, and 11706. Notwithstanding the*
 13 *preceding sentence, Amtrak shall continue to be considered*
 14 *an employer under the Railroad Retirement Act of 1974,*
 15 *the Railroad Unemployment Insurance Act, and the Rail-*
 16 *road Retirement Tax Act.”.*

17 ***SEC. 402. WASTE DISPOSAL.***

18 *Section 24301(m)(1)(A) is amended by striking*
 19 *“1996” and inserting “2001”.*

20 ***SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.***

21 *Section 24310 and the item relating thereto in the*
 22 *table of sections for chapter 243 are repealed.*

23 ***SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.***

24 *Section 24314 and the item relating thereto in the*
 25 *table of sections for chapter 243 are repealed.*

1 **SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**

2 **MAIN LINE.**

3 (a) *REPEAL.*—Section 24903 is repealed and the table
4 of sections for chapter 249 is amended by striking the item
5 relating to that section.

6 (b) *CONFORMING AMENDMENTS.*—

7 (1) Section 24902 is amended—

8 (A) by striking subsections (a), (c), and (d)
9 and redesignating subsection (b) as subsection
10 (a) and subsections (e) through (m) as sub-
11 sections (b) through (j), respectively; and

12 (B) in subsection (j), as so redesignated by
13 subparagraph (A) of this paragraph, by striking
14 “(m)”.

15 (2) Section 24904(a) is amended—

16 (A) by inserting “and” at the end of para-
17 graph (6);

18 (B) by striking “; and” at the end of para-
19 graph (7) and inserting a period; and

20 (C) by striking paragraph (8).

21 **SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.**

22 (a) *APPLICATION TO AMTRAK.*—

23 (1) *ACCESS IMPROVEMENTS AT CERTAIN SHARED*
24 *STATIONS.*—Amtrak is responsible for its share, if
25 any, of the costs of accessibility improvements re-
26 quired by the Americans With Disabilities Act of

1 1990 at any station jointly used by Amtrak and a
2 commuter authority.

3 (2) *CERTAIN REQUIREMENTS NOT TO APPLY*
4 *UNTIL 1998.*—Amtrak shall not be subject to any re-
5 quirement under subsection (a)(1), (a)(3), or (e)(2) of
6 section 242 of the Americans With Disabilities Act of
7 1990 (42 U.S.C. 12162) until January 1, 1998.

8 (b) *CONFORMING AMENDMENT.*—Section 24307 is
9 amended—

10 (1) by striking subsection (b); and

11 (2) by redesignating subsection (c) as subsection
12 (b).

13 **SEC. 407. DEFINITIONS.**

14 Section 24102 is amended—

15 (1) by striking paragraphs (2) and (11);

16 (2) by redesignating paragraphs (3) through (10)
17 as paragraphs (2) through (9), respectively; and

18 (3) by inserting “, including a unit of State or
19 local government,” after “means a person” in para-
20 graph (7), as so redesignated.

21 **SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.**

22 Section 1163 of the Northeast Rail Service Act of 1981
23 (45 U.S.C. 1111) is repealed.

24 **SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

25 (a) *AMENDMENT.*—

1 (1) *IN GENERAL.*—Section 8G(a)(2) of the In-
 2 specter General Act of 1978 (5 U.S.C. App.) is
 3 amended by striking “Amtrak,”.

4 (2) *EFFECTIVE DATE.*—The amendment made by
 5 paragraph (1) shall take effect at the beginning of the
 6 first fiscal year after a fiscal year for which Amtrak
 7 receives no Federal subsidy.

8 (b) *AMTRAK NOT FEDERAL ENTITY.*—Amtrak shall
 9 not be considered a Federal entity for purposes of the In-
 10 specter General Act of 1978. The preceding sentence shall
 11 apply for any fiscal year for which Amtrak receives no Fed-
 12 eral subsidy.

13 (c) *FEDERAL SUBSIDY.*—

14 (1) *ASSESSMENT.*—In any fiscal year for which
 15 Amtrak requests Federal assistance, the Inspector
 16 General of the Department of Transportation shall re-
 17 view Amtrak’s operations and conduct an assessment
 18 similar to the assessment required by section 202(a).
 19 The Inspector General shall report the results of the
 20 review and assessment to—

21 (A) the President of Amtrak;

22 (B) the Secretary of Transportation;

23 (C) the United States Senate Committee on
 24 Appropriations;

1 (D) the United States Senate Committee on
2 Commerce, Science, and Transportation;

3 (E) the United States House of Representa-
4 tives Committee on Appropriations; and

5 (F) the United States House of Representa-
6 tives Committee on Transportation and Infra-
7 structure.

8 (2) *REPORT.*—The report shall be submitted, to
9 the extent practicable, before any such committee re-
10 ports legislation authorizing or appropriating funds
11 for Amtrak for capital acquisition, development, or
12 operating expenses.

13 (3) *SPECIAL EFFECTIVE DATE.*—This subsection
14 takes effect 1 year after the date of enactment of this
15 Act.

16 **SEC. 410. INTERSTATE RAIL COMPACTS.**

17 (a) *CONSENT TO COMPACTS.*—Congress grants consent
18 to States with an interest in a specific form, route, or cor-
19 ridor of intercity passenger rail service (including high
20 speed rail service) to enter into interstate compacts to pro-
21 mote the provision of the service, including—

22 (1) retaining an existing service or commencing
23 a new service;

24 (2) assembling rights-of-way; and

1 (3) *performing capital improvements, includ-*
 2 *ing—*

3 (A) *the construction and rehabilitation of*
 4 *maintenance facilities;*

5 (B) *the purchase of locomotives; and*

6 (C) *operational improvements, including*
 7 *communications, signals, and other systems.*

8 (b) *FINANCING.—An interstate compact established by*
 9 *States under subsection (a) may provide that, in order to*
 10 *carry out the compact, the States may—*

11 (1) *accept contributions from a unit of State or*
 12 *local government or a person;*

13 (2) *use any Federal or State funds made avail-*
 14 *able for intercity passenger rail service (except funds*
 15 *made available for Amtrak);*

16 (3) *on such terms and conditions as the States*
 17 *consider advisable—*

18 (A) *borrow money on a short-term basis*
 19 *and issue notes for the borrowing; and*

20 (B) *issue bonds; and*

21 (4) *obtain financing by other means permitted*
 22 *under Federal or State law.*

23 **SEC. 411. BOARD OF DIRECTORS.**

24 (a) *AMENDMENT.—Section 24302 is amended to read*
 25 *as follows:*

1 **“§ 24302. Board of Directors**

2 “(a) *REFORM BOARD.*—

3 “(1) *ESTABLISHMENT AND DUTIES.*—*The Reform*
 4 *Board described in paragraph (2) shall assume the re-*
 5 *sponsibilities of the Board of Directors of Amtrak by*
 6 *March 31, 1998, or as soon thereafter as at least 4*
 7 *members have been appointed and qualified. The*
 8 *Board appointed under prior law shall be abolished*
 9 *when the Reform Board assumes such responsibilities.*

10 “(2) *MEMBERSHIP.*—(A)(i) *The Reform Board*
 11 *shall consist of 7 voting members appointed by the*
 12 *President, by and with the advice and consent of the*
 13 *Senate, for a term of 5 years.*

14 “(ii) *Notwithstanding clause (i), if the Secretary*
 15 *of Transportation is appointed to the Reform Board,*
 16 *such appointment shall not be subject to the advice*
 17 *and consent of the Senate. If appointed, the Secretary*
 18 *may be represented at Board meetings by his des-*
 19 *ignee.*

20 “(B) *In selecting the individuals described in*
 21 *subparagraph (A) for nominations for appointments*
 22 *to the Reform Board, the President should consult*
 23 *with the Speaker of the House of Representatives, the*
 24 *minority leader of the House of Representatives, the*
 25 *majority leader of the Senate, and the minority leader*
 26 *of the Senate.*

1 “(C) *Appointments under subparagraph (A)*
2 *shall be made from among individuals who—*

3 “(i) *have technical qualification, profes-*
4 *sional standing, and demonstrated expertise in*
5 *the fields of transportation or corporate or finan-*
6 *cial management;*

7 “(ii) *are not representatives of rail labor or*
8 *rail management; and*

9 “(iii) *in the case of 6 of the 7 individuals*
10 *selected, are not employees of Amtrak or of the*
11 *United States.*

12 “(D) *The President of Amtrak shall serve as an*
13 *ex officio, nonvoting member of the Reform Board.*

14 “(3) *CONFIRMATION PROCEDURE IN SENATE.—*

15 “(A) *This paragraph is enacted by the Con-*
16 *gress—*

17 “(i) *as an exercise of the rulemaking*
18 *power of the Senate, and as such it is*
19 *deemed a part of the rules of the Senate, but*
20 *applicable only with respect to the proce-*
21 *dure to be followed in the Senate in the case*
22 *of a motion to discharge; and it supersedes*
23 *other rules only to the extent that it is in-*
24 *consistent therewith; and*

1 “(ii) *with full recognition of the con-*
2 *stitutional right of the Senate to change the*
3 *rules (so far as relating to the procedure of*
4 *the Senate) at any time, in the same man-*
5 *ner and to the same extent as in the case of*
6 *any other rule of the Senate.*

7 “(B) *If, by the first day of June on which*
8 *the Senate is in session after a nomination is*
9 *submitted to the Senate under this section, the*
10 *committee to which the nomination was referred*
11 *has not reported the nomination, then it shall be*
12 *discharged from further consideration of the*
13 *nomination and the nomination shall be placed*
14 *on the Executive Calendar.*

15 “(C) *It shall be in order at any time there-*
16 *after to move to proceed to the consideration of*
17 *the nomination without any intervening action*
18 *or debate.*

19 “(D) *After no more than 10 hours of debate*
20 *on the nomination, which shall be evenly divided*
21 *between, and controlled by, the Majority Leader*
22 *and the Minority Leader, the Senate shall pro-*
23 *ceed without intervening action to vote on the*
24 *nomination.*

1 “(b) *BOARD OF DIRECTORS.*—Five years after the es-
 2 tablishment of the Reform Board under subsection (a), a
 3 Board of Directors shall be selected—

4 “(1) if Amtrak has, during the then current fis-
 5 cal year, received Federal assistance, in accordance
 6 with the procedures set forth in subsection (a)(2); or

7 “(2) if Amtrak has not, during the then current
 8 fiscal year, received Federal assistance, pursuant to
 9 bylaws adopted by the Reform Board (which shall
 10 provide for employee representation), and the Reform
 11 Board shall be dissolved.

12 “(c) *AUTHORITY TO RECOMMEND PLAN.*—The Reform
 13 Board shall have the authority to recommend to the Con-
 14 gress a plan to implement the recommendations of the 1997
 15 Working Group on Inter-City Rail regarding the transfer
 16 of Amtrak’s infrastructure assets and responsibilities to a
 17 new separately governed corporation.”.

18 (b) *EFFECT ON AUTHORIZATIONS.*—If the Reform
 19 Board has not assumed the responsibilities of the Board of
 20 Directors of Amtrak before July 1, 1998, all provisions au-
 21 thorizing appropriations under the amendments made by
 22 section 301(a) of this Act for a fiscal year after fiscal year
 23 1998 shall cease to be effective. The preceding sentence shall
 24 have no effect on funds provided to Amtrak pursuant to
 25 section 977 of the Taxpayer Relief Act of 1997.

1 **SEC. 412. EDUCATIONAL PARTICIPATION.**

2 *Amtrak shall participate in educational efforts with*
 3 *elementary and secondary schools to inform students on the*
 4 *advantages of rail travel and the need for rail safety.*

5 **SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.**

6 *Within 120 days after the date of enactment of this*
 7 *Act, the Comptroller General shall submit a report identify-*
 8 *ing financial and other issues associated with an Amtrak*
 9 *bankruptcy to the United States Senate Committee on Com-*
 10 *merce, Science, and Transportation and to the United*
 11 *States House of Representatives Committee on Transpor-*
 12 *tation and Infrastructure. The report shall include an anal-*
 13 *ysis of the implications of such a bankruptcy on the Federal*
 14 *government, Amtrak's creditors, and the Railroad Retire-*
 15 *ment System.*

16 **SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RE-**
 17 **LATIONSHIPS.**

18 *If, at any time, during a fiscal year in which Amtrak*
 19 *receives Federal assistance, Amtrak enters into a consulting*
 20 *contract or similar arrangement, or a contract for lobbying,*
 21 *with a lobbying firm, an individual who is a lobbyist, or*
 22 *who is affiliated with a lobbying firm, as those terms are*
 23 *defined in section 3 of the Lobbying Disclosure Act of 1995*
 24 *(2 U.S.C. 1602), Amtrak shall notify the United States Sen-*
 25 *ate Committee on Commerce, Science, and Transportation,*

1 *and the United States House of Representatives Committee*
 2 *on Transportation and Infrastructure of—*

3 *(1) the name of the individual or firm involved;*

4 *(2) the purpose of the contract or arrangement;*

5 *and*

6 *(3) the amount and nature of Amtrak's financial*
 7 *obligation under the contract.*

8 *This section applies only to contracts, renewals or exten-*
 9 *sions of contracts, or arrangements entered into after the*
 10 *date of the enactment of this Act.*

11 **SEC. 415. FINANCIAL POWERS.**

12 *(a) CAPITALIZATION.—(1) Section 24304 is amended*
 13 *to read as follows:*

14 **“§ 24304. Employee stock ownership plans**

15 *“In issuing stock pursuant to applicable corporate*
 16 *law, Amtrak is encouraged to include employee stock owner-*
 17 *ship plans.”.*

18 *(2) The item relating to section 24304 in the table of*
 19 *sections of chapter 243 is amended to read as follows:*

“24304. Employee stock ownership plans.”.

20 *(b) REDEMPTION OF COMMON STOCK.—Amtrak shall,*
 21 *before October 1, 2002, redeem all common stock previously*
 22 *issued, for the fair market value of such stock.*

23 *(c) ELIMINATION OF LIQUIDATION PREFERENCE AND*
 24 *VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred*

1 *stock of Amtrak held by the Secretary of Transportation*
 2 *shall confer no liquidation preference.*

3 *(B) Subparagraph (A) shall take effect 90 days after*
 4 *the date of the enactment of this Act.*

5 *(2)(A) Preferred stock of Amtrak held by the Secretary*
 6 *of Transportation shall confer no voting rights.*

7 *(B) Subparagraph (A) shall take effect 60 days after*
 8 *the date of the enactment of this Act.*

9 *(d) STATUS AND APPLICABLE LAWS.—(1) Section*
 10 *24301(a)(3) is amended by inserting “, and shall not be*
 11 *subject to title 31” after “United States Government”.*

12 *(2) Section 9101(2) of title 31, United States Code,*
 13 *relating to Government corporations, is amended by strik-*
 14 *ing subparagraph (A) and redesignating subparagraphs*
 15 *(B) through (L) as subparagraphs (A) through (K), respec-*
 16 *tively.*

Attest:

Clerk.